



11-15-05

PATENT
674310-2430.1

ISW

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants : PAOLETTI et al
Serial No. : 08/228,926
Filing Date : May 4, 1992
For : MODIFIED VACCINIA VIRUS AND METHODS FOR
MAKING AND USING THE SAME
Examiner : Mary Mosher
Art Unit : 1648
Confirmation No.: 4171

745 Fifth Avenue New York, NY 10151

EXPRESS MAIL

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Date of Deposit: November 14, 2005

I hereby certify that this paper or fee is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" Service under 37 CFR 1.10 on the date indicated above and is addressed to: **Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

Charles Jackson
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Charles Jackson
(Signature of person mailing paper or fee)

SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

The Examiner's attention is respectfully drawn to the enclosed documents listed on the accompanying PTO Form 1449. Pursuant to 37 CFR §1.97(b)(3), Applicants request the Examiner to consider this Information Disclosure Statement, and to make of record the documents cited on the accompanying PTO form 1449 and that a copy of Form PTO-1449 be initialed by the Examiner and returned to the undersigned.

Also attached is a copy of the non-patent documents and foreign patents cited in the PTO form 1449. The references are being mailed via US Express Mail in two boxes as they were too numerous to send in one box. A complete copy of the Information Disclosure Statement and PTO form 1449 accompanies both boxes of references. In addition, the certificate of mailing for the Information Disclosure Statement lists the US Express Mail Airbill Tracking Number for both boxes.

Furthermore, the table below informs the Examiner of the counterpart applications or patents for US Application 08/228,926. The Examiner is invited to obtain a copy of the counterpart applications and patents as necessary. The counterpart applications and patents are:

| Country | Application No. (Publication No.) | Title |
|-----------|-----------------------------------|--|
| Australia | AU1982000091806 (AU9180682A1) | Vaccinia Virus Incorporating Foreign DNA |
| Australia | AU1982000091806 (AU0561816B2) | Vaccinia Virus Incorporating Foreign DNA |
| Austria | AT1982000402380 (AT0050791E) | Modifiziertes Vaccinia Virus Und Verfahren Zu Dessen Herstellung Und Verwendung. |
| Denmark | DK1982000005724 (DK0572482A) | Modificeret Vaccinia-Virus Og Fremgangsmaade Til Dens Fremstilling Og Anvendelse |
| Denmark | (DK1982000005724) DK0173927B1 | Vaccine Til Anvendelse Til Vaccinering Af Pattedyr Omfattende Rekombinant Kokoppevirus |
| Europe | EP1982000402380 (EP0083286B2) | Modified Vaccinia Virus And Methods For Making And Using The Same |
| Europe | EP1982000402380 (EP0083286B1) | Modified Vaccinia Virus And Methods For Making And Using The Same |
| Europe | EP1982000402380 (EP0083286A3) | Modified Vaccinia Virus And Methods For Making And Using The Same |
| Europe | EP1982000402380 (EP0083286A2) | Modified Vaccinia Virus And Methods For Making And Using The Same |
| Germany | EP1982000402380 (DE3280128C0) | Modifiziertes Vaccinia Virus Und Verfahren Zu Dessen Herstellung Und |

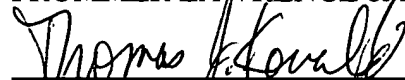
| Country | Application No. (Publication No.) | Title |
|---------------|-----------------------------------|---|
| | | Verwendung. |
| Israel | IL1982000067537 (IL0067537A0) | Modified Vaccinia Virus And Methods For Making And Employing The Same |
| Italy | IT1982000024948 (IT8224948A0) | Virus Vaccinico Modificato E Metodi Per La Produzione Ed Uso Del Medesimo |
| Italy | IT1982000024948 (IT1191150A) | Virus Vaccinico Modificato E Metodi Per La Produzione Ed Uso Del Medesimo |
| Japan | JP1982000234860 (JP58129971A2) | Variant Vactinia Virus, Production And Use Thereof |
| Japan | JP1982000234860 (JP06071429B4) | <i>Not Available</i> |
| New Zealand | NZ1982000202833 (NZ0202833A) | Modified Vaccinia Virus:Use As Transfer Vector In Genetic Engineering Technique |
| Philippines | PH1982000028314 (PH0022658A) | Modified Vaccinia Virus And Method Of Using The Same |
| South Africa | ZA1982000009386 (ZA8209386A) | Modified Vaccinia Virus And Methods For Making And Using The Same |
| Switzerland | CH1992000002364 (CH0683921A) | Vaccin À Poxvirus Recombinant Contre Le Virus De La Rougeole. . |
| United States | US1982000446824 (US4603112) | Modified Vaccinia Virus |

The filing of this Information Disclosure Statement is not an admission that the documents identified herein constitute prior art to the present application.

It is believed that no fees are required by the instant submission. However, if any fees are required, or if any overpayment has been made, please charge Deposit Acct. No. 50-0320.

Respectfully submitted,
FROMMER LAWRENCE & HAUG LLP

By:



Thomas J. Kowalski

Reg. No. 32,147

Telephone: (212) 588-0800

Facsimile: (212) 588-0500

Based on Form PTO-1449
(3/90)

ATTY. DOCKET NO.
674310-2430.1

SERIAL NO.
08/228,926

LIST OF REFERENCES CITED BY APPLICANT
(Use several sheets if necessary)

APPLICANT

Paoletti et al

FILING DATE
May 4, 1992

GROUP
1813

U.S. PATENT DOCUMENTS

| EXAMINER INITIAL | | DOCUMENT NUMBER | DATE | NAME | CLASS | SUBCLASS | FILING DATE IF APPROPRIATE |
|---------------------|----|-----------------|------|------|-------|----------|-------------------------------|
| | AA | 4088748 | | | | | |
| | AB | 4113712 | | | | | |
| | AC | 4129646 | | | | | |
| | AD | 4138287 | | | | | |
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| | BA | 5494807 | | | | | |
| | BB | 5503834 | | | | | |
| | BC | 5505941 | | | | | |

EXAMINER

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| | BE | 5529780 | | | | | |
| | BF | 5580859 | | | | | |
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| | BI | 5641490 | | | | | |
| | BJ | 5658572 | | | | | |
| | BK | 5688920 | | | | | |
| | BL | 5744140 | | | | | |
| | BM | 5744141 | | | | | |
| | BN | 5756101 | | | | | |
| | BO | 5756102 | | | | | |
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| | BX | 5833975 | | | | | |
| | BY | 5843456 | | | | | |
| | BZ | 5858373 | | | | | |
| | CA | 5863542 | | | | | |
| | CB | 5891442 | | | | | |
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| | CH | 6004777 | | | | | |
| | CI | 6017542 | | | | | |
| | CJ | 6130066 | | | | | |
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| | CQ | 6340462 | | | | | |
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FOREIGN PATENT DOCUMENTS

| | | DOCUMENT NUMBER | DATE | COUNTRY | CLASS | SUBCLASS | TRANSLATION | |
|--|----|-----------------|------|----------------|-------|----------|-------------|----|
| | | | | | | | YES | NO |
| | CX | 2222165 | | United Kingdom | | | | |
| | CY | 624863 | | Australia | | | | |
| | CZ | 78906/87 | | Australia | | | | |
| | DA | 0052002 | | Europe | | | | |
| | DB | 0162757 | | Europe | | | | |

OTHER REFERENCES (Including Author, Title, Date, Pertinent Pages, Etc.)

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| FOREIGN PATENT DOCUMENTS | | | | | | | | |
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| | | | | | | | YES | NO |
| | DC | 0216564 | | Europe | | | | |
| | DD | 0227414 | | Europe | | | | |
| | DE | 0261940 | | Europe | | | | |
| | DF | 0262043 | | Europe | | | | |
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| | DZ | 9215672 | | WIPO | | | | |
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| JF | Dantas et al., (1986) Virology, vol. 151, pp. 379-384. |
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| | MX | Mandecki, (1986) Proc. Natl. Acad. Sci., vol. 83, pp. 7177-7182. |
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| | NT | Meulemans et al., (1988) Avian Patol., vol. 17, pp. 821-827. |
| | NU | Michel et al., (1988) Eur. J. Immunology, vol. 18, pp. 1917. |
| | NV | Milich et al., (1985) Science, vol. 228, pp. 1195-1199. |
| | NW | Milich et al., (1986) J. Immun. vol. 137, pp. 315-322. |
| | NX | Milich et al., (1987a) J. Immun., vol. 138, pp. 4457-4465. |
| | NY | Milich et al., (1987b) Nature, vol. 329, pp. 547-549. |
| | NZ | Milich et al., (1988) In: Viral Hepatitis and Liver Disease, pp. 645-649. |
| | OA | Miller, G., In: Virology, Second Edition, eds. Fields, B.N. et al. (Raven Press, Ltd., New York) pp. 1921-1958 (1990). |
| | OB | Nagai et al., (1980) Microbiol. Immunol., vol. 24, pp. 173-177. |
| | OC | Nagai, Y., H. D. Klenk, and R. Rott, Virology 72, 494-508 (1976). |
| | OD | Nakano et al. (1982) Proc. Natl. Acad. Sci. USA 79, 1593-1596. |
| | OE | Nazerian, K., E.A. Stephens, J.M. Sharma, L.F. Lee, M. Gailitis and R.L. Witter, Avian Diseases 21, 69-76 (1977). |
| | OF | Nettleton, P.F., and J.M. Sharpe, Vet. Rec. 107, 379 (1980). |
| | OG | Neurath et al., (1984) Science, vol. 224, pp. 392-395. |
| | OH | Neurath et al., (1986) Cell, vol. 46, pp. 429-436. |
| | OI | Neurath et al., (1987) Microbiological Sciences, vol. 4, pp. 45-51. |
| | OJ | Neurath et al., (1988) Adv. Vir. Res., vol. 34, pp. 65-142. |
| | OK | Neurath et al., (1989) Mol. Immun., vol. 26, pp. 53-62. |
| | OL | Nixon et al., (1988) Nature, vol. 326, pp. 484-487. |
| | OM | Norrby and Gollmar, (1975) Infect. and Immun., vol. 11, pp. 231-239. |
| | ON | Norrby and Oxman, (1990) In: Fields Virology, 2.sup.nd Edition, eds. Fields and Knipe, pp. 1013-1044. |
| | OP | Norrby et al., (1982) Archives of Virology, vol. 71, pp. 1-11. |
| | OQ | Nunberg et al., (1984a) Proc. Natl. Acad. Sci., vol. 81, pp. 3675-3679. |
| | OR | Nunberg et al., (1984b) J. Virol., vol. 49, pp. 629-632. |
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| | OT | Oakes, J., Davis, W., Taylor, J. and Weppner, W., Infect. Immun. 29, 642-649 (1980). |
| | OU | Ogawa et al., (1990) Vaccine, vol. 8, pp. 486-490. |
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| | OW | Ono et al., (1983) Nuc. Acids. Res., vol. 11, pp. 1747-1757. |
| | OX | Osterhaus et al., (1989) Vaccine, vol. 7, pp. 137-140. |

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| PG | | Panicali et al. (1983) Proc. Natl. Acad. Sci. 80, 5364-5368. |
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| PJ | | Parrish, C. R., Aquadro, C. F., Strassheim, M. L., Evermann, J. F., Sgro, J-Y., and Mohammed, H. O., J. Virology 65, 6544-6552. |
| PK | | Parrish, et al., (1988) Virology, vol. 166, pp. 293-307. |
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| PM | | Patel et al., (1988) Proc. Natl. Acad. Sci., vol. 85, pp. 9431-9435. |
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| PQ | | Pedersen and Ott. Feline Practice, Evaluation of a Commercial Feline Leukemia Virus Vaccine for Immunogenicity, vol. 15, No. 6, 7-20, Nov.-Dec. 1985. |
| PR | | Pedersen, N. C., and Johnson, L., JAVMA 199, 1453-1455 (1991). |
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| PV | | Perkus et al. 1991. Virology vol. 180 pp. 406-410. |
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| | QF | Pontisso et al., (1989) J. Virol., vol. 63, pp. 1981-1988. |
| | QG | Post et al (1981) Cell 25 227-233. |
| | QH | Pouwels, P.H., et al. Cloning Vectors (1985), p. VIII-A-A-i-9. |
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| | QN | Rasmussen et al., (1988) Virology, vol. 163, pp. 308-318. |
| | QO | Ratner et al., (1985) Nature, vol. 313, pp. 277-284. |
| | QP | Rautman et al., (1989) Aids Research and Human Retroviruses, vol. 5, pp. 147-157. |
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| | QV | Rice et al., (1986) In: The Togaviridae and Flaviviridae, eds. S. Schlesinger and M.J. Schlesinger, pp. 279-326. |
| | QW | Rickinson et al., (1984) Cell. Immunol., vol. 87, pp. 646-658. |
| | QX | Riddell et al., (1992) Science, vol. 257, pp. 238-241. |
| | QY | Riviere Y., Tanneau-Salvadori, F., Regnault, A., Lopez, O., Sansonetti, P., Guy, B., Kieny, M.-P., Fournel, J.-J., and Montagnier, L., J. Virol. 63, 2270-2277 (1989). |
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| | RD | Roizman, B. and Sears, A., In Virology, eds. Fields, B. and Knipe, D., (Raven Press. Ltd) pp. 1795-1841 (1990). |
| | RE | Rojko et al., (1982) Nature, vol. 298, pp. 385-388. |
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| RK | Rubenstein and Kaplan, (1975) Virology, vol. 66, pp. 385-392. |
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| RM | Russell and Jarrett, (1978) Int. J. Cancer, vol. 21, pp. 768-778. |
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| RW | Sazawa et al, (1969) Natl. Inst. Anim. Health, vol. 9, pp. 74-82. |
| RX | Schachter, J. 1980. In Manual of Clinical Microbiology 3rd ed. E. H. Lennette et al, American Society for Microbiology, pp. 357-364. H. R. 1984. Biological Abstr. vol. 77 p. 402 Abstr. 3598. |
| RY | Scheid and Choppin, (1974) Virology, vol. 57, pp. 475-490. |
| RZ | Scheid et al., (1972) Virology, vol. 50, pp. 640-652. |
| SA | Scherer et al., (1959) Am. J. Trop. Med. Hyg., vol. 8, pp. 698-706. |
| SB | Schlesinger et al., (1985) J. Immunol., vol. 135, pp. 2805-2809. |
| SC | Schlesinger et al., (1986) J. Virol., vol. 60, pp. 1153-1155. |
| SD | Schlesinger et al., (1987) J. Gen. Virol., vol. 68, pp. 853-857. |
| SE | Schlicht and Schaller, (1989) J. Virol., vol. 63, pp. 5399-5404. |
| SF | Schmaljohn et al., (1987) Virology, vol. 157, pp. 31-39. |
| SG | Schmaljohn et al., (1990) J. Virology, vol. 64, pp. 3162-3170. |
| SH | Schmaljohn et al., Virology 155, 633-643 (1986). |
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| SJ | Schmaljohn, C. S., Sugiyama, K., Schmaljohn, A. L., and Bishop, D. H. L., J. Gen. Virology 69, 777-786 (1988). |
| SK | Schmidt and Stunnenberg, (1988) Proc. Natl. Acad. Sci., vol. 84, pp. 7290-7294. |
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| SV | Shimotono et al. (1981) Cell 26, 66-77. |
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| SX | Shope, (1980) In: The Togavirus, vol. ed. Schlesinger, pp. 47-82. |
| SY | Slabaugh, M., Roseman, N., Davis, R., and C. Mathews, J. Virol. 62, 519-527 (1988). |
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| TB | Smith et al. (1983) Nature 302, 490-495. |
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| TL | Stevely, (1977) J. Virol., vol. 22, pp. 232-234. |
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| TR | Tartaglia, J., J. Taylor, W. I. Cox, J.-C. Audonnet, M.E. Perkus, A. Radaelli, C. de Giuli Morghen, B. Meignier, M. Riviere, K. Weinhold & E. Paoletti, In Aids Research Reviews, W. Koff, F. Wong-Staal & R.C. Kenedy, Eds., vol. 3, Marcel Dekker, NY (In press) (1993a). |
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| TV | Taylor et al., (1990) J. Virol., vol. 64, pp. 1441-1450. |
| TW | Taylor et al., (1991a) J. Gen. Virol., vol. 72, pp. 125-130. |
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| UA | Toyoda et al., (1987) Virology, vol. 158, pp. 242-247. |
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| UC | Trinchieri, (1993) Imm. Today, vol. 14, pp. 335-338. |
| UD | Tsuchiya et al., (1970) Virus, vol. 20, pp. 290-300. |
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| UW | Wallack et al., (1986) Cancer, vol. 57, pp. 649-655. |
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